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Before the
Federal Communications Commission
Washington, D.C. 20554

FEB 10 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. _____
Table of Allotments)	RM- _____
FM Broadcast Stations)	
(Centennial, Wyoming))	
)	
Amendment of Section 73.202(b))	MM Docket No. 96-255
Table of Allotments)	RM-8960
FM Broadcast Stations)	
(Laramie, Wyoming))	
)	
TO: Chief, Allocations Branch)	

PETITION FOR RULE MAKING

Red Rock Broadcasting ("Red Rock"), by its attorneys and pursuant to Sections 1.401 of the Commission's Rules, hereby submits its Petition for Rule Making, seeking amendment of Section 73.202(b), Table of Allotments. Red Rock requests that the Commission amend the FM Table of Allotments to allot Channel 224A to Centennial, Wyoming¹, as the community's first local aural

¹ In a Notice of Proposed Rule Making ("NPRM") in MM Docket No. 96-255, RM-8960, the Commission is considering the allocation of Channel 254A to Laramie as that community's ninth local radio service. Although not proposed for allocation to Laramie in that NPRM, the Commission mentions that Channel 224A is available if "there are additional expressions of interest for a Class A channel at Laramie." Id. at para. 2. Because the instant petition proposes the allocation of Channel 224A to Centennial, Red Rock submits that it should be considered as comments in MM Docket No. 96-255. Moreover, Red Rock has simultaneously herewith, filed comments and a counterproposal for the allocation of Channel 254A to Rock River, Wyoming, together with an expression of interest.

service. In support of this request, Red Rock states the following:

1. The allotment of Channel 224A to Centennial would provide that community with its first local aural service. By contrast, the potential allotment of Channel 224A to Laramie would provide Laramie with its ninth or tenth local aural services (its seventh or eighth local FM service).² Moreover, Channel 224A can be allotted to Centennial consistent with the Commission's distance separation requirements.³ (See Engineering Exhibit attached hereto). However, allotment of Channel 224A to Centennial and the potential allotment of 224A at Laramie are mutually exclusive; only one or the other allotment may be made consistent with the Commission's Rules. (Id.)

² The following commercial FM channels are currently allotted to Laramie: 236C, 244A, 275C, 283C2, and 288A. The following AM frequencies are currently allotted to Laramie: 1290 kHz (KOWB(AM)) and 1210 kHz (KLDI(AM)), for a total of seven commercial aural transmission services. In addition, there is one noncommercial educational FM station in Laramie (licensed to the University of Wyoming at Laramie on Channel 91.9 MHz), which according to the Commission is to be considered in a Section 307(b) transmission service analysis. See Valley Broadcasters, Inc., 5 FCC Rcd 2785 (1990). Thus, the total number of aural transmission services currently allotted to Laramie is eight. As mentioned above, the Commission's NPRM in MM Docket No. 96-255 proposes the allocation of Channel 254A to Laramie. Allocation of 224A and 254A at Laramie would increase the total of local aural services to ten.

³ The allocation of Channel 224A to Centennial can be made consistent with the Commission's spacing requirements provided that the allocation is made with a site restriction of 6 miles southeast of Centennial.

2. Given the choice between provision of first local services at Centennial and a ninth or tenth local service at Laramie, the Centennial allotment must be preferred. Allotment of Channels 224A at Centennial better meets the Commission's FM allotment priorities than allotment of Channel 224A at Laramie. The Commission's FM allotment priorities are as follows:

- (1) first aural service;
- (2) second aural service;
- (3) first local service;
- (4) other public interest matters.

Co-equal weight is given to priorities (2) and (3). Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 90-93 (1982). Because Centennial and Laramie have more than two aural reception services, provision of a first local transmission service (priority 3) is the most significant factor to be considered in this instance.

3. The Commission has long recognized the importance of providing communities such as Centennial with its first local transmission service. See Atchison, Horton and Wathena, Kansas, 7 FCC Rcd 4645 (Mass Med. Bur. 1992) (provision of first local transmission service preferred over provision of second such service); Alegria I, Inc., 61 RR 2d 136 (Rev. Bd. 1986), recon. denied, 2 FCC Rcd 1762 (Rev. Bd. 1987) (to same effect); Caldwell Broadcasting Corp., 100 FCC 2d 115 (Rev. Bd. 1985), rev. denied, FCC 86-245 (rel. 5-15-86) (to same effect); Alessandro Broadcasting

Corp., 99 FCC 2d 1 (Rev. Bd. 1984), rev. denied, FCC 84-334 (rel. 6-28-86) (to same effect). In the above cases the Commission's Allocations Branch and Review Board consistently favored the provision of a first local service over a second local service. Clearly in this case providing a **first** local transmission service at Centennial must be preferred over providing a **ninth or tenth** such service at Laramie.

4. Because the instant petition to allot Channel 224A to Centennial clearly prevails over the possible allotment of Channel 224A to Laramie with regard to the third allotment priority, further analysis is not required. However, there are public interest benefits to the allotment of Channel 224A to Centennial that are not associated with the allotment of yet another FM channel to Laramie.

5. Although unincorporated, Centennial is a community of approximately 166 people.⁴ It has its own post office, zip code (82055), volunteer fire department, elementary school, grocery, gift shop and a small, seasonal museum. Centennial also has a thriving winter and summer tourist industry, due in large part to its location at the base of the Snowy Range Ski and Recreational Area. The recreational area provides year-round activities that include down hill and cross country skiing, snowmobiling, camping, fishing, hiking and hunting. Centennial also supports several bed

⁴ Source: Census Block Data from 1990 Census, P.L. 94-171.

and breakfast establishments, a lodge, and a popular local restaurant. Accordingly, the public interest weighs in favor of providing a first local radio service to a community of such significance as Centennial, as compared to a ninth or tenth such service to Laramie.

6. In sum, Red Rock requests that the Commission grant the instant petition for rule making and amend the FM Table of Allotments to allot Channel 224A to Centennial, Wyoming. In doing so, the Commission must also state in any order that it issues in MM Docket No. 96-255, that Channel 224A will not be available for allocation to Laramie, Wyoming. If Channel 224A is allotted as requested, Red Rock intends to file with the Commission an application for a construction permit, and if awarded the permit intends to construct and operate Channel 224A at Centennial, Wyoming.

Respectfully submitted,

RED ROCK BROADCASTING

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February 10, 1997

February 7, 1997

FM Spacing study

Title: centennial, wyoming 224A
 Channel 224A (92.7 MHz)
 Database: DW 02/05/97

Latitude: 41-15-11
 Longitude: 106-02-19
 Safety zone: 18.6 mi

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-ft	Longitude	-from	(mi)	(mi)

KJMN LIC SUR BCG OF COLORADO, INC 221C2 32.5 39-25-14 149.6 146.0 34.18
 CASTLE ROCK CO BLH-950929KE 92.1 600 104-39-15 330.5 111.9 CLEAR
 Was KNRX 03/29/96 per FCC release #277 dated 03/29/96

KVRH-FM LIC ALL HEART RADIC, INC. 222C3 13.5 38-30-26 179.7 189.4 26.10
 SALIDA CO BLH-940517KA 92.3 -655 106-01-22 359.8 163.3 CLEAR
 DOC-89-172; RM-6894; Ant: Elec. Res. Inc. G4CPL

KVOD LIC SHAMROCK BROADCASTING, I 223C1 57DA 40-05-47 142.9 99.71 82.64
 GREELEY CO BLH-940426KE 92.5 1237 104-54-04 323.7 17.06 CLEAR
 Was KZDG 03/22/96 per FCC release #277 dated 03/29/96; DA: Shiveley 6015-3/2R-
 DA @ 0 deg

KIQZ LIC ELK MOUNTAIN BCG 224A 3 41-46-16 300.4 71.74 71.46
 RAWLINS WY 92.7 300 107-14-15 119.6 .277 CLOSE

KZGO CP ROCKY MOUNTAIN RADIO CO. 224C 58 39-25-05 209.3 144.7 140.4
 GLENWOOD SPRINGS CO BMPH 950913IZ 92.7 2470 107-22-01 28.5 4.309 CLOSE
 CP Granted 08/27/96 per FCC release #* dated 08/30/96; CP Granted 08/27/96 per
 FCC release #* dated 08/30/96; Call Granted 11/01/95 per FCC release #266 dat
 ed 11/03/95

KMOR LIC TRACY CORPORATION 225C 100 41-50-23 69.8 121.6 102.5
 SCOTTSDUFF NE BLH-780727AI 92.9 1020 103-49-36 251.2 19.09 CLEAR

KTRZ LIC WIND RIVER COMMUNICATION 226C1 100 42-43-10 313.8 148.3 46.60
 RIVERTON WY 93.1 884 108-08-41 132.4 101.7 CLEAR
 Call Granted 09/20/84

KTCL LIC U.S. MEDIA COLORADO, LP 227C 100DA 40-05-47 142.9 99.71 59.03
 FORT COLLINS CO BLH-960530KA 93.3 1129 104-54-04 323.7 40.68 CLEAR

NEW APP PUBLIC BCG FOR COLORADO, 277C2 14.5 38-52-39 215.9 200.8 9.321
 DELTA CO BPH-961122MC 103.3 919 108-13-38 34.5 191.5 CLEAR
 Received per FCC release #23881 dated 12/05/96

KRFK LIC JACOR BCG. OF COLORADO, 278C 100 39-43-50 157.9 113.3 18.02
 DENVER CO 103.5 1045 105-14-07 338.4 95.23 CLEAR
 Was KOAQ 01/18/89

>> End of channel 224A study <<

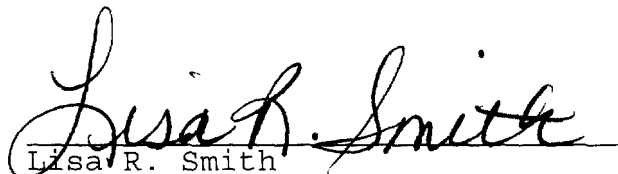
CERTIFICATE OF SERVICE

I, Lisa R. Smith, a secretary in the law offices of Roberts & Eckard, P.C., do hereby certify that true copies of the foregoing "Petition for Rule Making" were sent February 10, 1997, by first-class United States Mail, postage prepaid, or as indicated, by hand, to the following:

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*BY HAND